IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.4129OF 2005
IN
APPEAL (L) NO.1367 OF 2005
IN
ARBITRATION PETITION NO.52 OF 2005

Shivshankar & Company .. Appellant
v/s.
Hindustan Petroleum Corporation Limited .. Respondent

Mr.S.V.Marne for the appellant.

Mr.M.D.Siodia i/by M/s.Rustomji & Ginwala for the respondent.

CORAM : R.M.LODHA AND
ANOOP V. MOHTA, JJ.

DATED : 23RD JANUARY, 2006

P.C.

Heard.

2. The appeal preferred by the appellant, aggrieved by the order dated 27.9.2005, suffers from delay of 47 days. By this notice of motion, the appellant seeks condonation of delay.

3. For the reasons stated in the affidavit in support of the notice of motion, we are satisfied that the appellant was prevented by sufficient cause in filing the appeal in time. The facts stated in the affidavit in

support of the notice of motion remain uncontroverted for want of any reply by the respondent.

4. We, accordingly, condone the delay in filing the appeal.

5. Office is directed to process the appeal and post it for admission as soon as numbered.

Notice of motion stands disposed of.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)